# 1NC vs Harrison RP – TOC R3

False needs – black self defense justified

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#### Abstract Ethics Fail. Saying “we ought to engage in something” implies a moral obligation that the black thinker does not have access to because the world is framed by white supremacy. [Curry] Curry, Tommy J. [doctor in Associate Professor of Philosophy, Affiliated Professor of Africana Studies, Texas A & M University] In the Fiat of Dreams: The Delusional Allure of Hope, the Reality of Anti-Black Violence and the Demands of the Anti-Ethical. 2013.

***Ought* implies a projected (futural) act. The word commands a deliberate action to reasonably expect the world to be able to sustain or support. For the Black thinker, the Black** citizen-**subject**-slave-(in) human, **ought is not rational but repressive**. For the oppressed racialized thinker, the ethical provocation is an immediate confrontation with the impossibility of actually acting towards values like **freedom, liberty, humanity**, and life, since **none** of these values **can be achieved concretely for the Black in a world controlled by and framed by the white**. **The options for ethical actions are not ethical in and of themselves, but merely the options the immorality of the racist world will** allow, **thus the oppressed is forced to idealize their ethical positions, eliminating the truth of their reality, and the peeling away the tyranny of white bodies,** so that as the oppressed, the can ideally imagine an ―if condition,‖ whereby they are allowed to ethical engage racism from the perspective of: ―if whites were moral and respected the humanity of Blacks, then we can ethically engage in these behaviors. Unfortunately, **this ought constraint only forces Blacks to consciously recognize the futility of ethical engagement, since it is in this ought deliberation that they recognize that their cognition of all values are** dependent not on their moral aspirations for the world, but the **determined by the will of white supremacy** to maintain virtue throughout all ethical calculations. In short, Black ethical deliberation is censored so that it can only engage moral questions by asserting that whites are virtuous and hence capable of being ethically persuaded towards right action**,** hence **all ethical question about racism, white supremacy and anti-Blackness is not about how Blacks think about the world, but what possibility the world allows Blacks to contemplate under the idea of ethics.**

The curry evidence provides aclear distinction between us and the affirmative—their notions of ethicality are not applicable to black bodies that live in a world framed by whiteness. Ought becomes repressive rather than rational because ought implies a futural act – in a world in where the future of black bodies are placed outside their control. The affirmatives form of ethics becomes contingent on black death and destruction of autonomy.

#### The abstractness and ethicality of the 1AC proves why they are colorblind on the logics of self-defense in amalgamation with those who are racialized. The Self-defense of the oppressed is necessary to challenge the police and the state. The value of self-defense is key to challenging the logics of white supremacy.

Robert F. **Williams—1962** (Negroes with Guns [Detroit: Wayne State University Press])

When an oppressed people show a willingness to defend themselves, the enemy, who is a moral weakling and coward, is more willing to grant concessions and work for a respectable compromise. Psychologically, moreover, racists consider themselves superior beings and are not willing to exchange their superior lives for our inferior ones. They are most vicious and violent when they can practice violence with impunity. This we have shown in Monroe. Moreover, when because of our self-defense there is a danger that the blood of whites may be spilled, the local authorities in the South suddenly enforce law and order when previously they had been complacent toward lawless, racist violence. This too we have proven in Monroe. It is remarkable how easily and quickly state and local police control and disperse law- less mobs when the Negro is ready to defend himself with arms. (4-5)

c/a to Frasier evidence calls for self-definition- black bodies are able to have access to self definfniton when they have the choice to self-defend.

#### Impact: Civil rights progression for blacks happened since black people were armed- gun control denies protection and a level of intimidation black people need to not be taken advantage of by whites. c/a Marcuse 3 and 4

John **Blake** *Does race shape Americans’ passion for guns?* John Blake is a native of Baltimore, Maryland. He writes about race, religion, politics, and other assorted topics. CNN Enterprise writer/producer October 12, 20**14**

It's a mistake to think that our gun culture is lily-white, historians say. **Contemporary blacks may be some of the strongest supporters of gun control, but the black community has a strong gun rights tradition, particularly in the South. Guns helped spawn the civil rights movement,** says Cottrol, the history professor at George Washington University. **White vigilantes who tried to attack black communities were met at times by gunfire.** The Deacons for Self-Defense, an armed black group, protected civil rights activists, says Cottrol, author of "The Long, Lingering Shadow: Slavery, Race and Law in the American Hemisphere." **Southern blacks in particular recognized the value of owning guns because they couldn't depend on anyone else to protect them during a time when the sheriff could be a member of the Klan,** historians say. **"The civil rights movement was made possible because the Klan knew that black communities were armed,"** Cottrol says

Black self defense is not individualistic- it is to protect families, your notions of individualism because it is colorblind doesn’t take into account the intrinsic sense of communities in black communities

#### The aff is a false narrative of the history of a gun meeting their framing of challeneging false narratives

#### And this abstraction allows us to assume racist entities will somehow act justly rather than looking to how they have historically acted. Tommy Curry writes: Curry, Tommy J. [doctor in Associate Professor of Philosophy, Affiliated Professor of Africana Studies, Texas A & M University] In the Fiat of Dreams: The Delusional Allure of Hope, the Reality of Anti-Black Violence and the Demands of the Anti-Ethical. 2013. SPHS//SS

**Traditionally we have taken ethics to be**, as Henry Sidgwick’s claims, "**any rational procedure by which we determine what individual human beings 'ought'—or what is right for them**—or to seek to realize by voluntary action.”vii **This rational procedure is** however **at** **odds with the empirical reality the ethical deliberation must concern itself with.** To argue**,** as is often done, that the government, its citizens, or white people should act justly, assumes that the possibility of how they could act defines their moral disposition. If a white person could possibly not be racist, it does not mean that the possibility of not being racist, can be taken to mean that they are not racist. **In ethical deliberations dealing with the problem of racism, it is common practice to attribute to historically racist institutions, and individuals universal moral qualities that have yet to be demonstrated. This abstraction from reality is what frames our ethical norms** **and allows us to maintain**, despite history or evidence, **that racist entities will act justly given the choice.** Under such complexities, **the only ethical deliberation concerning racism must be anti-ethical, or a judgment refusing to write morality onto immoral entities.**

#### Alt: WE MUST ENGAGE IN A BLACK SELF-DEFENSE PARADIGM. THIS PARADIGM INSISTS THAT OUR DISCOURSE AND OUR ACTIONS ARE CENTERED ON A VALUE OF BLACK SELF DEFENSE THAT ENDORSES THE NEED TO UNDERSTAND HOW BLACK PEOPLE ARE VICTIMS OF STATE TRYANNY AND NEED TO TAKE MATTERS IN TO THEIR OWN HANDS. Like Malcolm X said, stop singing and start swinging

Tommy J. **Curry—**20**15** (Associate Professor of Philosophy @Texas A&M University, “Robert F. Williams and Militant Civil Rights: The Legacy and Philosophy of Pre-emptive Self-Defense,” Radical Philosophy Review 18.1 [2015]: 45-68)

The foreigner laughed at Robert F. Williams when he described the “segregated pet cemetery in Washington D.C. where an Afro-American cannot bury his dog,” but such extremity was indicative of the segregationist psychology that emerged from the racist logics of white America. **If one accepts**, as Williams does, **that “The stranglehold of oppression cannot be loosened by a plea to the oppressor’s consciousness,” then the theorist and activist both seem committed to at least understanding** Williams claim: **“Social change in something as fundamental as racist oppression involves violence.”** To some, the notion of a pre-emptive self-defense sounds strange. While there is a long standing tradition of self-defense, the protection of one’s self or property against siege, such a stance is thought to be an exception; only responding to the most egregious transgressions against an individual. There is a similar but different understanding at work in *Negroes with Guns*. **Racism determines the boundaries between white humanity and what they define as their relationship to that which is not human.** Such distance means that **whites will rarely perceive a violation of Black rights or a devaluing of Black humanity, so violence is never-ending.** As such, Williams contends that “**you cannot have progress here without violence and upheaval, because it’s a struggle for survival for one and a struggle for liberation for the other.” Racism** then **is consistent violence against the oppressed such for the sake of preserving their distinction and distance from the white oppressor class**. Simply stated, “The racist is a man crazed with hysteria at the idea of coming into equal human contact with Negroes.” (64-65)\

#### A black-self-defense paradigm is Antiethical. [Curry] Curry, Tommy J. [doctor in Associate Professor of Philosophy, Affiliated Professor of Africana Studies, Texas A & M University] In the Fiat of Dreams: The Delusional Allure of Hope, the Reality of Anti-Black Violence and the Demands of the Anti-Ethical. 2013.

**Anti-ethics; the call to demystify the present concept of man as illusion, as delusion, and as stratagem, is the axiomatic rupture of white existence and the multiple global oppressions** like capitalism, militarism, genocide, and globalization, **that formed the evaluative nexus which allows whites to claim they are the civilized guardians of the world’s darker races. It is the rejection of white virtue,** the white’s axiomatic claim to humanity that allows the Black, the darker world to sow the seeds of consciousness towards liberation from oppression. **When white (in)humanity is no longer an obstacle** weighed against the means for liberation from racism**, the oppressed are free to overthrow the principles that suggest their paths to liberation are** immoral and hence **not possible.** To accept the oppressor as is, the white made manifest in empire, is to transform white western (hu)man from semi-deitous sovereign citizen to contingent, mortal, and un-otherable. Exposing the inhumanity of white humanity is the destruction/refusal of the disciplinary imperative for liberal reformism and dialogue as well as a rejection of the social conventions that dictate speaking as if this white person, the white person and her white people before you are in fact not racist white people, but tolerable—not like the racist white people abstracted from reality, but really spoken of in conversations about racism. The revelatory call, the coercively silenced but intuitive yearning to describe the actual reality set before Black people in an anti-Black society, is to simply say there is no negotiating the boundaries of anti-Blackness or the horizons of white supremacy. Racism, the debasement of melaninated bodies and nigger-souls, is totalizing.

ROB: concede we think antiethics is a better methodlogy to autnotic way to help the oppressed

ROJ: Antiethical decision maker – because even if we engage in critical education, we must do so in a way that challenges euopean anthropology as the statsis for how we understand the world

Antiethics is a rejection of white virtue, a rejection of assuming abstract philosophies are able to explain the material implications of black life – if we show that our epistemology should be oriented towards seeing historically how self defense has began to liberate black people and become a survival mechanism, then that’s why you vote neg and endorse an anetiethical black self defense paradigm.

## Case

#### Turn. Class-analysis that attempts to eschew identity politics is just a ruse for white middle class males to paternalistically lead non-white people in the glory of the revolution. It is an invisible form of white messianism that slips identity through the back door or anti-capitalist movements. Ross 2k

**Ross 2000 [Marlon B., Professor, Department of English and Carter G. Woodson Institute for African-American and African Studies, “Commentary: Pleasuring Identity, or the Delicious Politics of Belonging,” New Literary History, Vol. 31, No. 4, pages 840-841]**

Although in his contribution Eric Lott targets Professor Michaels's comments and his own recent feud with Timothy Brennan (who unfortunately is not included in this volume) rather than Ken's argument, what Eric says about “left and liberal fundamentalists” who “simply and somewhat penitently” urge us to “‘go back to class’” could also be directed at Ken's conclusion. Ken writes, “Crafting a political left that does not merely reflect existing racial divisions starts with the relatively mundane proposition that it is possible to make a persuasive appeal to the given interests of working and unemployed women and men, regardless of race, in support of a program for economic justice.” On this one, I side with Eric, rather than Tim and Ken. Standing on the left depends on whose left side we're talking about. My left might be your right and vice versa, because it depends on what direction we're facing, and what direction depends on which identities we're assuming and affirming. Eric adds, "Even in less dismissive [than Tim's] accounts of new social movements based not on class but on identities formed by histories of injustice, there is a striking a priori sense of voluntarism about the investment in this cause or that movement or the other issue—as though determining the most fundamental issue were a matter of the writer's strength of feeling rather than a studied or analytical sense of the ever-unstable balance of forces in a hegemonic bloc at a given moment." I agree, but I'll risk mangling what Eric says by putting it more crassly. **Touting class or "economic justice" as the fundamental stance for left identity is just another way of telling everybody else to shut up so I can be heard above the fray. Because of the force of "identity politics," a leftist white person would be leery of claiming to lead Blacks toward the promised land,** a leftist straight man leery **of claiming to lead women or queers, but**, for a number of complex rationalizations, **we in the middle class** (where all of us writing here currently reside) **still have** few **qualms about volunteering to lead**, at least theoretically, the working class toward "economic justice." What Eric calls here "left fundamentalism," I'd call, at the risk of sounding harsh, left paternalism. **Of the big identity groups articulated through "identity politics," economic class remains the only identity where a straight white middle-class man can still feel comfortable claiming himself a leading political voice, and thus he may sometimes overcompensate by screaming that this is the only identity that really matters—which is the same as claiming that class is beyond identity.** Partly **this is because Marxist theory and Marx himself** (a bourgeois intellectual creating the theoretical practice for the workers' revolution) **stage the model for working-class identity as a sort of trans-identification, a magical identity that is transferable to those outside the group who commit themselves to it wholeheartedly enough**. If we look back, we realize even this magical quality is not special to a history of class struggle, as whites during the New Negro movements of the early twentieth century felt that they were vanguard race leaders because they had putatively imbibed some essential qualities of Negroness by cross-identifying with the folk and their culture.

### Criminalization

#### Gun control will never be enforced equally—empirics prove.

Gourevitch June 30th, 2015 Alex. "Gun Control’s Racist Reality: The Liberal Argument against Giving Police More Power." Saloncom RSS. Salon, 24 June 2015. Web. <http://www.salon.com/2015/06/24/gun\_controls\_racist\_reality\_the\_liberal\_argument\_against\_giving\_police\_more\_power/>. I am an assistant professor of political science in the Department of Political Science. I have been an assistant professor at McMaster University, a Post-Doctoral Research Associate at Brown University's Political Theory Project, and a College Fellow at Harvard University. I received my Ph.D in political science from Columbia University in 2010.

**The dead are buried, the murderer apprehended, and the shock has started to wear off**. Now comes the public reaction to **the massacre in Charleston**.¶ Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. **Obama** only **suggested** practical action regarding the first issue, namely **gun control**.¶ **He did not consider that such measures will make the** persistence of the second **problem** even **worse**.¶ It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of gun control means writing more criminal laws, creating new crimes, and therefore creating more criminals or more reasons for police to suspect people of crimes. More than that, it means creating yet more pretexts for a militarized police, full of racial and class prejudice, to overpolice.¶ As multiple police killings of unarmed black men have reminded us, the police already operate with barely constrained force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration to parole monitoring, the police manage a panoply of programs that subject these populations to multiple layers of coercion and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority.¶ While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence.¶ This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks. As legal scholar Benjamin Levin argues in a forthcoming piece¶ “Searching for guns – like searching for drugs – can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness.”¶ In other words, there must be selective enforcement, where enforcement includes invasive searches based on existing prejudices about who is and is0sn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, **in the late 1990s,** the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. And when it comes to individualized assessments of who is dangerous and worthy of punishment, every study shows steep, and unfounded, bias. Michelle Alexander, quotes a former U.S. attorney in her recent sensation, “The New Jim Crow,” saying the following:¶ “I had an [assistant U.S. attorney who] wanted to drop the gun charge against the defendant [in a case which] there were no extenuating circumstances. I asked, ‘Why do you want to drop the gun offense?’ And he said, ‘He’s a rural guy and grew up on a farm. The gun he had with him was a rifle. He’s a good ol’ boy, and all good ol’ boys have rifles, and it’s not like he was a gun-toting drug dealer.’ But he was a gun-toting drug dealer, exactly.”¶ This isn’t just a point about conscious and unconscious biases towards poor minorities – biases that some imagine can be removed with proper training. **No matter how neutral the laws are, their enforcement must remain unequal and unfair. That is because the policing involved would never be tolerated if they affected politically influential groups to the same degree**. These policing practices persist because they are disproportionately directed against marginal populations.¶ Once individuals find themselves arrested gun control reappears as a reason for increasing punishment. **Gun possession can be used to enhance sentences for other crimes and even functions as a kind of double punishment when that possession becomes the reason for also tacking on an extra criminal charge**. Gun charges are also a part of the excessive and racially unequal over-charging practices that not only contribute to rising incarceration rates but also ends force numerous individuals away from trial and into plea bargains. **Poor Blacks and Latinos are** easily intimidated by charge-happy prosecutors **into accepting plea deals,** meaning they never see their day in court. Some even end up admitting to crimes they did not commit just to avoid the possibility of more severe punishments. More criminal gun laws would only feed this deeply unjust system.¶ There is an unrecognized gap between the justification for gun control and its most likely effect. **There is no reason to expect fair enforcement of gun control laws, or even that they will mainly be used to someone prevent these massacres. That is because how our society polices depends not on the laws themselves but on how the police – and prosecutors and courts – decide to enforce the law.** Especially given how many guns there are in the U.S., gun law enforcement will be selective.That is to say, they will be unfairly enforced, only deepening the injustices daily committed against poor minorities in the name of law and order.¶ It is hard to imagine any feasible gun control laws doing much to decrease mass shootings. But it is easy to see how they will become part of the system of social control of mostly black, mostly poor people. **There are already too many crimes, there is too much criminal law, and there is far too much incarceration — especially of black people.** To the degree that all that is part of the “dark chapter in our history,” given the deep injustice of our society, and especially its policing practices, the actual practice of gun control will continue that dark chapter, not resolve it.¶ Of course, a reasonable gun control regime is logically possible. We can imagine one in our heads. But it is not politically possible in the United States right now. **And it is a great error to think that gun control is the path to racial justice**. More likely, it is the other way around. Racial justice is a precondition for any reasonable gun control regime.¶

2 implications:

a. Whatever policy the aff passes will be infiltrated with aiming minorities

b. there is already too many laws over-criminalizing so the focus should shift from starting a new problem

#### And, the 1AC’s use of the buyback program is a myth. To take arms is to use arms—a militarized police will only use their militarized power to get rid of guns – specific to austraila’s model.

Varad **Mehta** [GWU History department], "The Australia Gun Control Fallacy," Federalist, http://thefederalist.com/2015/06/25/the-australia-gun-control-fallacy/, June 25, 20**15**

New York and Connecticut **authorities so far have shown no inclination to enforce their laws by going door to door to round up unregistered guns and arrest their owners. But that’s what would be necessary to enforce the law.** A federal law, therefore, **would require sweeping, national police action involving thousands of lawmen and affecting tens of millions of people. If proponents of gun control are serious about getting guns out of Americans’ hands, someone will have to take those guns out of Americans’ hands.** Australian-style gun control, in other words, would require government force and coercion on a massive scale. **Now, progressives don’t understand the nature of coercion, so maybe they would not see police action to enforce gun confiscation as coercion. Or, perhaps, they actually do understand that their ideal form of gun control requires it, which is why they keep speaking in code and talk about “Australia” and not “wholesale confiscation.”** Let there be no doubt. **Gun confiscation would have to be administered by force of arms. I do not expect that those who dismissed their fellow citizens for clinging bitterly to their guns are so naive that they imagine these people will suddenly cease their bitter clinging when some nice young man knocks on their door and says,** “Hello, I’m from the government and I’m here to take your guns.” As though somehow those who daily espouse their belief that the purpose of the Second Amendment is to allow citizens to resist government oppression and tyranny will not use the Second Amendment to resist what they see as government oppression and tyranny. Or maybe they are so naive. **Many on the Left—and for this they are to be commended—have voiced their opposition to the increasing militarization of America’s police. Yet only a militarized police could enforce an Australian gun-control scheme in the United States. To take arms from men requires men with arms. There’s no other way to do it. Yet because of the numbers of guns and men with guns in this country, any policy to remove those guns will inevitably depend on some measure of coercion, quite possibly a heavy measure.** Does anyone honestly believe this country has the will or resources to seize 60 to 105 million firearms from 105 to 160 million Americans? “Progressives believe it,” I hear you answer. Yes, but the ones who do, believe this dishonestly. Modeling Australia Means Civil War When someone says the United States ought to adopt Australia’s gun laws as its own, he is really saying the cause of gun control is so important that he is willing to impose these laws even at the cost of violent insurrection. Make no mistake, armed rebellion would be the consequence. Armed men would be dispatched to confiscate guns, they would be met by armed men, and blood would be shed. Australia is a valid example for America only if you are willing for that blood to be spilled in torrents and rivers. To choose Australia is to choose civil war. In an op-ed for the New York Times written after Sandy Hook, John Howard, the prime minister who oversaw the passage of Australia’s current gun laws, implored Americans to consider his nation’s example. Yet Howard fully understood the fundamental irrelevance of his country’s laws to the United States, and undermined his case by highlighting the differences between the two countries. Our challenges were different from America’s. Australia is an even more intensely urban society, with close to 60 percent of our people living in large cities. Our gun lobby isn’t as powerful or well-financed as the National Rifle Association in the United States. Australia, correctly in my view, does not have a Bill of Rights, so our legislatures have more say than America’s over many issues of individual rights, and our courts have less control. Also, we have no constitutional right to bear arms. (After all, the British granted us nationhood peacefully; the United States had to fight for it.) Leave aside that Australia had—and has—far fewer guns and people than we do. Forget the bits about the gun lobby or Australia’s greater urbanization. The crucial point is the final one: Australia does not have a bill of rights, and that, ultimately, is the reason it was able to confiscate guns. Australians have no constitutional right to bear arms, so seizing their weapons did not violate their constitutional rights. Gun confiscation in the United States would require violating not only the Second Amendment, but the fourth and fifth as well, and possibly even the first. Progressives generally have no compunction about breaching the Second Amendment, but one wonders how many others they would be eager to violate in their quest to nullify the second. Civil war and a tattered Constitution: such are the consequences of invoking “Australia.” It is not a model; it is a mirage. There is an essential mendacity, whether intentional or not, to all suggestions that Australia’s system of gun control is suitable for the United States. Conjuring Australia isn’t innocent. But this trick does serve one valuable purpose: when gun controllers perform it they reveal what they truly desire. An Australian-style gun-control regime, it must be abundantly clear by now, would not only be impractical in the United States, it would be immoral. We would all be better served if American gun-control advocates acknowledged this reality and left their fantasy Down Under where it belongs.

2 implications:

a. - not a coincidence autsrial has washed out its entire aboriginal population, colorblindness of the aff fails to recognize racialized violence at the hands of dominant white insitions, at the point self-defense is not only justified but necessary for the perseveration for specific idnentities

b. ant use autrailia in the context of the us because austrail’s black population wiped pout – doesn’t deal with specificites of America – social, political, economicm climate of the us is simply different

b. you don’t gain access to ANY solvency- symbolically or physically if the police are using their guns there is no symbol of the gun culture ending

#### And, BLACK PEOPLE DON’T WANT THIS DAMN PLAN. Just like in 1994—black people knew this bill would only cause criminalization—WE SHOULD LOOK TO HISTORY and not pass another criminalization bill for hope of “rejecting militarism” FOH YOUR LEGISLATION IS THE MILTIARISM.

ELIZABETH **Hinton**, JULILLY KOHLER-HAUSMANN and VESLA M. WEAVER *Did Blacks Really Endorse the 1994 Crime Bill?* APRIL 13, 20**16** [The Opinion Pages](http://www.nytimes.com/pages/opinion/index.html) | OP-ED CONTRIBUTORS [Elizabeth Hinton](http://history.fas.harvard.edu/people/elizabeth-hinton) is an assistant professor in the departments of history and African and African-American studies at Harvard. [Julilly Kohler-Hausmann](http://history.arts.cornell.edu/faculty-department-Kohler-Hausmann.php) is an assistant professor of history at Cornell. [Vesla M. Weaver](http://politicalscience.yale.edu/people/vesla-weaver) is an associate professor in the departments of African-American studies and political science at Yale.

**AS political candidates and pundits grapple with the legacy of the 1994 crime bill and the era of mass incarceration that has seen millions of African-Americans locked in the nation’s prisons, one defense keeps popping up: that black citizens asked for it.** When confronted about her husband’s pivotal support for the bill, **Hillary Clinton argued, even as she admitted the legislation’s shortcomings, that the bill was a response to “great demand, not just from America writ large, but from the black community, to get tougher on crime**.” Yet the historical record reveals a different story. **Instead of being the unintended consequence of the democratic process at work, punitive crime policy is a result of a process of selectively hearing black voices on the question of crime**. There’s no question that by the early 1990s, blacks wanted an immediate response to the crime, violence and drug markets in their communities. But even at the time, **many were asking for something different from the crime bill. Calls for tough sentencing and police protection were paired with calls for full employment, quality education and drug treatment, and criticism of police brutality. It’s not just that those demands were ignored completely. It’s that some elements were elevated and others were diminished — what we call selective hearing**. Policy makers pointed to black support for greater punishment and surveillance, without recognizing accompanying demands to redirect power and economic resources to low-income minority communities**. When blacks ask for better policing, legislators tend to hear more instead.** Every weekday, get thought-provoking commentary from Op-Ed columnists, The Times editorial board and contributing writers from around the world. Selective hearing has a deep history. In the Progressive Era, W.E.B. DuBois and Ida B. Wells called for state authorities to offer blacks [the same social investment](http://www.hup.harvard.edu/catalog.php?isbn=9780674062115) that reformers used to manage crime in white immigrant communities. **But while whites received rehabilitation and welfare programs, black citizens found themselves over punished and under protected. During the 1960s, blacks argued for full socioeconomic inclusion and an end to discriminatory policing, which they argued was a root cause of that decade’s urban unrest.** Instead, **they got militarized police forces and riot tanks**[**in the Omnibus Crime Control and Safe Streets Act of 1968**](http://www.hup.harvard.edu/catalog.php?isbn=9780674737235)**. In the ashes of the war on poverty, the trend accelerated. The penal system ballooned, while social supports directed toward the poorest and most vulnerable declined precipitously. Black leaders argued for full employment in the press and on the floor of Congress, urged vetoes of draconian legislation and drafted their own bills to support community-led anti-crime programs — and all to little avail**. Flash forward to the Clinton era. As soon as Chuck Schumer, Joseph R. Biden Jr. and others introduced their bipartisan crime bill in September of 1993, groups representing black communities pushed back. The N.A.A.C.P. called it a “crime against the American people.” While supporting the idea of addressing crime, members of the Congressional Black Caucus criticized the bill itself and introduced an alternative bill that included investments in prevention and alternatives to incarceration, devoted $2 billion more to drug treatment and $3 billion more to early intervention programs. The caucus also put forward the Racial Justice Act, which would have made it possible to use statistical evidence of racial bias to challenge death sentences. **Given the history of selective hearing, what followed was no surprise. Black support for anti-crime legislation was highlighted, while black criticism of the specific legislation was tuned out. The caucus threatened to stall the bill, but lawmakers scrapped the Racial Justice Act when Republicans promised to filibuster any legislation that adopted its measures. In final negotiations, Democratic leadership yielded to Republicans demanding that prevention (or “welfare for criminals” as one called it) be sliced in exchange for their votes**. Senator Robert Dole insisted that the focus be “on cutting pork, not on cutting prisons or police.” The compromise eliminated $2.5 billion in social spending and only $800 million in prison expenditures. This presented black lawmakers with a dilemma: Defeating the bill might pave the way for something even more draconian down the line, and lose critical prevention funding still in the bill. Ultimately, 26 of the 38 voting members supported the legislation. But those who broke ranks did so loudly: As Representative Robert C. Scott of Virginia explained, “**You wouldn’t ask an opponent of abortion to look at a bill with the greatest expansion of abortion in the history of the United States, and argue that he ought to vote for it because it’s got some highway funding in it.”** Mr. Scott had it right: The bill allocated federal funds for up to 75 percent of the cost of new prisons, defined 60 new capital offenses, and constricted inmates’ access to higher education and introduced 100,000 more police officers. Less than a quarter of the funding went to prevention programs. **Over two decades later, this legislation continues to shape the lives of millions of African-Americans, overwhelmingly for the worse. This legislation further entrenched the idea that vulnerable urban communities are best managed through harsh punishment and heightened surveillance. Making our neighborhoods places of mobility and fortune, not disinvestment and confinement, means that the voices of the people most affected must be heard and heeded. As we debate how to switch course, our popular understanding of the rise of “get tough” laws should not layer selective memory atop selective hearing of the past by justifying black incarceration with trite references to black voices.**

### White = Black Death

#### TURN. The 1ac’s call to say we should all define ourselves ignores that white people historically have defined their life on the predication of Black Death, meaning the 1ac’s assumption that we can change our orientation only puts is into a politics of hope of trusting white people

**Glaude,** Eddie. S. *Democracy in Black: How Race Still Enslaves the American Soul*. N.p.: Crown, 20**16**. Print.

Cohen's op-ed set off a firestorm. Daily Kos offered one of the more imaginative responses, listing data that contradicted the idea that white people should be afraid of young black men. The odds of a black person killing a white person are about 0.0000212. With those numbers, “[y]ou really have far more reason to be scared of say, getting on a ladder, then you do of getting murdered by the hoodie wearing teenager you see on the street. The fear is irrational.” But that doesn’t matter. Cohen believes this stuff, and he is not alone. What matters for Cohen and for a large segment of white America was and is white fear**. White fear is the general frame of mind that black people are dangerous, not only to white individuals because they are prone to criminal behavior, but to the overall well-being of our society. White fear begins with logical feelings of unease about specific situations and spirals from there. It makes sense to be doubly vigilant when we drive in neighborhoods plagued by high crime rates. People, especially women are mindful of the potential dangers of walking in a parking lot late at night. But that same vigilance can also lead us to perceive danger where it does not exist.** He particulars of a situation don’t really matter. For instance: I was walking to my car one evening after a long day in the office when I saw the spouse of a colleague and raise my hand to say hello. But a peremptory glance let me know she was not interested. She seems afraid. The fact that we’ve had dinner together and share jokes, or that her partner writes about race, didn’t seem to matter I was black, and it was dusk. She hurried along and I got in my car. It’s Princeton. It’s a patrolled campus parking lot. The black guy is wearing an expensive suit. … Thus, **white fear can be understood as** something **anticipatory**, **a fear just waiting to be expressed**. It isn’t based in any actual threat of harm. Instead the idea of black violence or crime does all the work. **The mere possibility of danger is enough to motivate us to act as if we are in immediate danger. Such fears can produce cycles of racial moral panics in which black people are viewed as a threat to everything we hold dear. That perception shape public sentiment and informs public policy debates as people call for directed effort to address the crisis**. **For example, after emancipation, white fears about black male sexual desire for white women unleashed unimaginable terror and violence throughout the South**. (Black women were always the object of sexual terrorism, during and after slavery, but never mind.) Black men dared to assert their equal standing in public life during this period, to assert their manhood. **The idea of black manhood, expressed through for citizenship and evidence in voting and economic success, produced fears of black men sleeping with white women.**

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Jim **Hightower 15** most recent book is "Let's Stop Beating Around the Bush." He produces a monthly newsletter, The Hightower Lowdown, and a syndicated daily radio commentary. THURSDAY, MAR 12, 2015 Corporations can do whatever they want: Why our tax system subsidizes criminals Thanks to a massive loophole, institutions like BP can write off their billion-dollar penalties as tax deductions <http://www.salon.com/2015/03/12/corporations_can_do_whatever_they_want_why_our_tax_system_subsidizes_criminals_partner/>

Do the crime, do the time,” the old saying goes. Unless, of course, the criminals are **corporate executives.** In those cases, the culprits **are** practically **always given a “Get out of jail free” card. Even the corporate crimes that produce horrible** injuries, illnesses, **death**, massive pollution, consumer ripoffs, etc. **are routinely settled by fines and payoffs from the corporate treasury, with no punishment of the honchos who oversee what amount to crime-for-profit syndicates.** The only bit of justice in these money settlements is that some of them have become quite large, with multibillion-dollar “punitive damages” meant to deter the perpetrators from doing it again. Yet **the same** bad **corporate actors seem to keep at it.** What’s going on here is a game of winkin’ ‘n’ noddin’, in which corporate criminals know that those headline-grabbing assessments for damages they’ve caused have a secret escape hatch built into them. Congress has generously written the law so corporations can deduct much of their punitive payments from their income taxes! As Sen. Pat Leahy points out, “This tax loophole allows corporations to wreak havoc and then write it off as a cost of doing business.” **For example, oil giant BP certainly wreaked havoc with its careless oil rig explosion in 2010, killing 11 workers, deeply contaminating the Gulf of Mexico and devastating the livelihoods of millions of people along the Gulf coast. So, BP was socked with a punishing payout topping $42 billion. But** — shhhh — **80 percent of that was eligible for a tax deduction,** a little fact that’s been effectively covered up by the bosses and politicians. This crazy quirk in America’s laws to deter corporate crime forces victims to help subsidize criminals. Follow the bouncing ball here: First, a court orders a corporation to pay punitive damages to a victim of its criminal acts; second, the corporate offender pays up, and then merrily subtracts a big chunk of that payment from its income tax, effectively taking money out of our public treasury; third, while the criminal is counting its tax break, the victim is notified that the punitive damage money he or she received from the corporation will be taxed as “regular income;” fourth, that means a big chunk of the victim’s payment goes into the treasury to replenish the public money the corporate villain subtracted. **This is nothing but shameful pandering by government officials to rich and powerful criminals**. It’s bad enough that corporate-financed lawmakers legalize such encouragement of criminality, but corporate-coddling judges are playing the same disgraceful game — drastically reducing the amounts that juries order corporations to pay. In a Montana case, for example, a jury awarded $240 million in punitive damages to the families of three people, including two teenagers, killed in a car crash. The deaths were blamed on a steering defect that South Korean automaker Hyundai was found to have known about and “recklessly” ignored for more than a decade. But a district judge has since supplanted the jury’s ruling with her own. While declaring that Hyundai’s “reprehensibility” certainly warrants a sizeable punishment, she cut the corporation’s punitive payment down to $73 million. Hello — that’s not punishment to a $79-billion-a-year car giant, it’s pocket change. Why would Hyundai executives quit putting corporate profits over people’s lives if that’s their “punishment”? Plus, we taxpayers and the victims’ families are still lined up to subsidize whatever “punishment” Hyundai ultimately pays. With subsidies and wrist-slaps, the corporate criminal whirligig will continue to spin, making a mockery of justice.        Fortunately, Sen. Leahy has had the good sense to introduce legislation to lock down this escape hatch for thieves, killers and other executive-suite villains. For more information on the moral outrage of ordinary taxpayers being forced to subsidize corporate criminals, contact U.S. PIRG at [www.uspirg.org](http://www.uspirg.org/).

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